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HCR 40
REQUESTING THE CORPS OF ENGINEERS
TO INCORPORATE AQUACULTURE OUTFALLS
AND RELATED STRUCTURES AND APPURTENANCES
IN THE GENERAL PERMIT SYSTEM UNDER THE FEDERAL CLEAN WATER ACT

Statement for
House Committees on
Ocean and Marine Resources
Water, Land Use Development and Hawaiian Affairs
Health
Public Hearing - 11 March 1985

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HCR 40 would request the U.S. Army Corps of Engineers to include aquaculture outfalls and various related structures and appurtenances under their general permit system. This statement on the proposed resolution does not reflect an institutional position of the University of Hawaii.

As indicated in the initial "whereas" clauses, the general permit system provides for the issuance of nationwide or regional permits for activities that are similar in nature and that have, individually and cumulatively, minor effects and minor environmental impacts. The proposal that aquaculture discharge structures be covered by the general permit system is based on the premises that state controls are adequate to assure that environmental and health concerns are addressed and that aquaculture effluents are environmentally benign. Recent events related to water pollution problems have seriously called into question the adequacy of regulatory and enforcement practices of state and county agencies. Furthermore, disagreement between agencies as to the level of environmental review that should be required has led to serious omissions from the review procedures that are appropriate in the case of aquaculture effluents for which permits have been sought from state and county agencies.

We note that the environmentally related information required by the Corps under the individual permit system is no greater than that which should be required by a state or county agency responsible for project approval. Thus the rationale presented in the fourth and sixth "whereas" clauses on page 2 is in error.

Of even greater concern is the incorrect assumption expressed in the third "whereas" clause on page 2, which states, "WHEREAS, it is generally recognized that aquaculture effluent discharges are environmentally benign, are of no public health concern, and often demonstrate a beneficial effect on receiving waters and wetland habitats." In the case of some aquaculture operations, the effluent may be environmentally benign, and it may be beneficial in some receiving waters and wetlands. However, as we will indicate in our comments on HCR 41, the nutrient loads delivered to receiving waters through aquaculture wastewater discharges may be similar to those delivered through the discharge from sewage treatment plants, and may cause detrimental effects in some receiving waters as serious as those resulting from the discharges from the sewage treatment plants. The aquaculture waste waters may, in addition, contain pesticides that would be detrimental in receiving waters.

It should be noted that the Corps of Engineers must consider, in their permit system, not only the water pollution problems that are of concern in the Clean Water Act, but also interference with navigation and shoreline processes.

It would be appropriate to request that the Corps of Engineers investigate to what extent the aquaculture outfalls and related structures might appropriately be covered by a general permit. Appropriate criteria for use of a general permit for such outfalls would presumably include: no significant hazard to navigation; no significant effects on shoreline processes; and compliance with the National Pollution Discharge Elimination System (NPDES) and with the State water quality standard normally applicable to the receiving waters. It would be inappropriate to request the Corps to cover under a general permit all aquaculture effluent outfalls and associated structures.